



Interview Summary: Nina Patel, Canada Border Service Agency

This witness summary should be read in conjunction with: the Canada Border Service Agency (“**CBSA**”)’s Institutional Report; the witness summary for the CBSA panel, which consisted of John Ossowski (the former President), Ted Gallivan (the Executive Vice-President), Scott Harris (the Vice-President of Intelligence and Enforcement), and Christine Durocher (the Regional Director General of the Southern Ontario Region); the witness summary for Lynne Lamarche (the Director of the Operational Guidance Division); and the witness summary for Brad Wozny (the Regional Director General of the Prairie Region).

Nina Patel was interviewed by Shantona Chaudhury, John Mather, and Alexandra Heine on September 8, 2022. Questions about this summary should be directed to Ms. Heine.

Text contained in [square brackets] are explanatory notes provided by Commission Counsel to assist the reader.

Background

The CBSA is responsible for providing integrated border services that support national security and public safety priorities and facilitate the free flow of persons and goods across international borders. The CBSA operates ports of entry (“**POEs**”) across the country.

Nina Patel is the Regional Director General for the CBSA’s Pacific Region, which includes British Columbia (“**BC**”) and the Yukon. She was the most senior CBSA official in the Pacific Region at the time of the Freedom Convoy (“**Convoy**”) protests, although she works at the CBSA office in Vancouver and not at a POE. The Pacific Region contains 21 land borders and 5 airports. Ms. Patel oversees between 1,650 and 1,800 employees and 9 executives report to her.

During the Convoy, Ms. Patel led the CBSA’s response to the slow rolls and blockades across the Pacific Region, including those located at or around the Pacific Highway POE, which is located in Surrey, BC. The Pacific Highway POE is the second most important commercial vehicle crossing in Canada after the Ambassador Bridge POE.

The Pacific Region’s Preparation for the Convoy

Ms. Patel stated that the Pacific Region did not initially anticipate that protest activities and blockades such as those happening at Coutts would occur in the Pacific Region. She expected that it would remain a Central Canada issue. At the time, the Pacific Region’s resources were stretched thin and focused on recovering from the catastrophic flooding, which occurred in late 2021 and impacted the entire Region, including several roads and bridges in BC.



On or around January 28, the Pacific Region received guidance from senior officials at CBSA about increased vigilance and put in place some enhanced management measures for CBSA personnel. Ms. Patel explained that they did not feel the need to put in place additional measures beyond the directions from senior officials because the information they were receiving from the media suggested that the Convoy was focused on Coutts, Ambassador Bridge, and Ottawa, and would not impact on BC's POEs. However, even before significant protest activity directed at POEs in the Pacific Region began, some POEs in BC were affected by diversions of traffic from the Coutts POE due to the blockade there.

The Start of the Protest Activity: February 6 to 11, 2022

Slow roll activity began in the Pacific Region on February 5, at the Osoyoos and Kingsgates POE in BC, several hours from Vancouver.

Ms. Patel began to anticipate that the protests could impact BC POEs more significantly on or around February 6 when the Tobacco Plains Indian Band expressed concerns about protester activity in the East Kootenay Region of BC, and more specifically, at the Roosville POE [approximately 4 hours west of the Coutts POE].

Around that same time, the Osoyoos Indian Band reported to CBSA personnel that protester activity was increasing in the Osoyoos region and that protesters were making racist remarks towards Indigenous peoples and becoming more and more volatile.

Ms. Patel stated that the first slow roll convoy occurred in the lower mainland on February 7.

According to Ms. Patel, the event was fluid and unpredictable. The slow roll convoy started small on February 7, but grew significantly from February 8 to 11 until there were hundreds of campers and vehicles. The group did not remain static: some days they were located approx. 0.5 kilometers away from the Pacific Highway POE and other times they moved further away. Given their location, it was difficult for the CBSA to get a line of sight on them.

Ms. Patel explained that, even if the protesters had been closer, it would have been difficult for the CBSA to get a line of sight on them because the POE's CCTV cameras point towards the United States, not towards Canada.

The Blockade: February 12 to 15, 2022

The protest activity escalated to a full blockade on February 12, which continued until February 15. Ms. Patel described this period as a very volatile time. The blockade as a line of parked vehicles and campers with tents that was approx. 1 kilometer long down the highway.



The blockade disrupted the POE's services. The CBSA had to divert commercial and non-commercial traffic to neighboring POEs.

Ms. Patel described how most of car traffic was diverted to the closest POE to Pacific Highway, the Peace Arch Border Crossing located 5 kilometers away. This POE, however, was not a viable option for commercial vehicles because it did not have the infrastructure and facilities to accommodate commercial traffic.

Accordingly, commercial traffic was diverted to the Huntington POE in Abbotsford located approx. 40 kilometers away from the Pacific Highway POE. Ms. Patel explained that this POE has some commercial capacity. However, diverting vehicles to Huntington increased border wait times and travel time for truck drivers.

Commercial traffic was also diverted to the Aldergrove POE, which is located 20 kilometers away from the Pacific Highway POE. According to Ms. Patel, diverting commercial to this POE was more challenging because it has limited working hours and limited capacity for commercial vehicles. Further, the POE on the US-side of Aldergrove (in Lynden, Washington) operates on a permit-only basis for US-bound traffic [meaning that it does not allow commercial vehicles to pass through without a permit], and it very rarely waives that exemption because it does not have the facilities to accommodate more vehicles.

When asked to explain the February 13 entry in a document prepared by the Privy Council Office and called "2022 Illegal Blockades – Chronology of Key Events" that stated that "no impacts to [the Pacific Highway POE's] operations or delays" were reported,¹ Ms. Patel answered that this was likely an error, as the blockade disrupted the POE's services until February 15. She also described how she received statistics that showed a significant reduction in traffic going through the POE: she said that only 6 commercial vehicles reportedly came up from the US through the POE during the blockade, which is significantly lower than the usual 1,500 to 1,600 commercial vehicles that pass through the Pacific Highway POE every day.

Law Enforcement Activity

In response to the Convoy, the police of jurisdiction in Surrey, the Royal Canadian Mounted Police ("**RCMP**"), set up an operational command center on the Pacific Highway POE property. CBSA employees (not Ms. Patel herself) received briefings from the RCMP at this command center.

The command center had what the RCMP calls a Gold-Silver-Bronze structure, which means that information is shared with partner agencies based on the clearance level. The CBSA only has Bronze level clearance and received information from the RCMP for

¹ 2022 Illegal Blockades – Chronology of Key Events, **SSM.CAN.00000148**.



situational awareness. Much of the CBSA's information in relation to the Convoy protests was from open sources.

Ms. Patel did not have knowledge of and was not involved in any RCMP operations. However, she was aware that a big event had occurred on February 12, where a military-style vehicle broke through the perimeter that the RCMP had put into place near the Pacific Highway POE. Ms. Patel emphasized that she did not hear about this event through contact with the RCMP, but rather through media reporting. It caused her a lot of concern about her employees' safety and the safety of the POE. During the protests, Ms. Patel did not personally visit the Surrey POE. Ms. Patel explained that she wanted to visit and would have done so if it was necessary. However, Ms. Patel had watched the protests in the media, and due to her cultural and racial background did not want to put herself in a position to be targeted if her presence on site was not critical.

The Invocation of the *Emergencies Act*

Ms. Patel stated that the Pacific Highway blockade was cleared on February 15, the day after the federal government invoked the *Emergencies Act*. She did not have any knowledge of why the blockade cleared out and what actions, if any, the RCMP took to disperse the protesters.

When asked what powers the measures implemented through the invocation of the *Emergencies Act* gave the CBSA that they did not already have, Ms. Patel explained that it gave Border Service Officers ("**BSOs**") the power to deny foreign nationals entry into Canada on the basis that they were going to participate in the protest.

However, Ms. Patel did not have any statistics about, or knowledge of, that power having been used by BSOs in the Pacific Region. As she explained, some foreign nationals were turned away because they were unvaccinated.